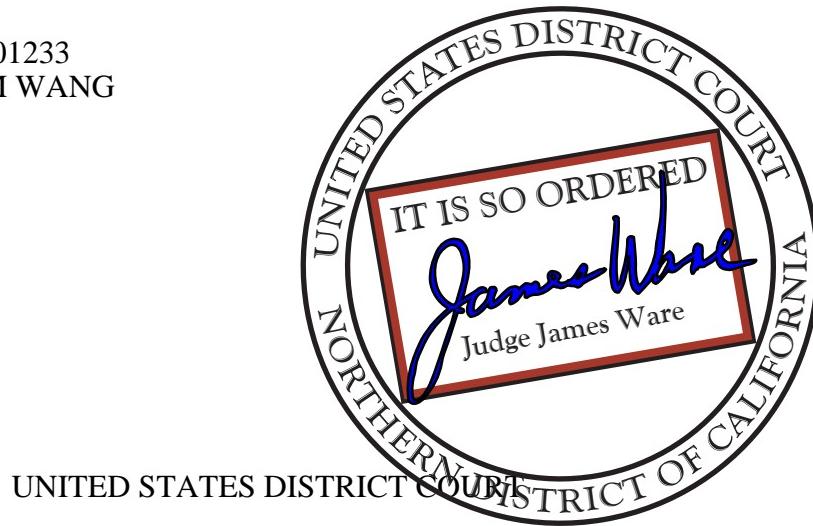


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9 FOR THE

10 NORTHERN DISTRICT OF CALIFORNIA

11 JUAN GONZALEZ and RICARDO
12 MENDOZA, individually and on behalf of
others similarly situated

13 Plaintiffs,

14 vs.

15 DDR PARTNERS, INC. dba PACIFIC
16 ATHLETIC CLUB, WESTERN ATHLETIC
CLUBS, INC. dba PACIFIC ATHLETIC
CLUB AND DOES 1-10

17 Case No: C 08-3814 JW

18 **ORDER VACATING ORDER TO SHOW
CAUSE HEARING**

19 Defendants

20 Plaintiffs respond to Court's Order to Show Cause why the Complaint should not be
21 dismissed as to Western Athletic Clubs Inc. for failure to provide service pursuant to FED. R.
22 CIV. P. 4(m), dated April 23, 2009 as follows:

23 On August 11, 2008, Plaintiffs filed this action. naming only Defendant DDR Partners
Inc. (Docket No. 1).

24
25 PLAINTIFFS' RESPONSE TO ORDER TO SHOW CAUSE
Gonzalez, et al. v. DR Partners Inc. .

C08-3816 JW

1 On April 6, 2009, Plaintiffs filed their First Amended Complaint ("FAC") pursuant to the
2 Court's order dated March 25, 2009. Only in the FAC was Western Athletic Clubs Inc. named
3 as a Defendant (Docket No. 32).

4 On April 17, 2009, an Amended Summons against all Defendants including Western
5 Athletic Club Inc. was issued (Docket No. 38).

6 On April 24, 2009, the service on Western Athletic Clubs Inc. was effectuated (Docket
7 No. 39).

8 Because Western Athletic Clubs Inc. was not named as a Defendant in this case until
9 April 6, 2009, and the Summons against it was not issued until April 17, 2009, the service on
10 Western Athletic Clubs Inc. on April 24, 2009 is well within the time period provided by FED. R.
11 CIV. POR. 4(m).

12 Dated: April 29, 2008

13 By: /s/ Adam Wang
14 Adam Wang
15 Attorney for Plaintiff

16 *** ORDER ***

17 The Court finds Plaintiffs' Response to Order to Show Cause sufficient and thus
18 VACATES the hearing on Order to Show Cause Re: Dismissal presently scheduled for
19 May 18, 2009.

20 Dated: May 13, 2009

21 
22 JAMES WARE
23 United States District Judge

24 PLAINTIFFS' RESPONSE TO ORDER TO SHOW CAUSE
25 Gonzalez, et al. v. DR Partners Inc. .

C08-3816 JW